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**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

FILE: B-205476.2

DATE: January 5, 1982

MATTER OF: Gillette Industries, Inc.

**DIGEST:**

Protest against contracting agency's affirmative determinations of responsibility is dismissed since GAO no longer reviews such determinations except for reasons not present here.

Gillette Industries, Inc. (Gillette), protests any award to either Tennier Industries, Inc., or Cecile Industries, Inc., under request for proposals (RFP) No. DLA100-82-R-0148, issued by the Defense Personnel Support Center, Defense Logistics Agency (DLA), Philadelphia, Pennsylvania.

The solicitation requested proposals for sleeping bags. Gillette argues that both Tennier Industries, Inc., and Cecile Industries, Inc., are nonresponsible and, therefore, DLA should not award a contract to either company.

Our Office no longer reviews a contracting agency's affirmative determinations of responsibility unless either fraud is shown on the part of the procuring agency or the solicitation contains definitive responsibility criteria which allegedly have not been applied. Nedlog Company, B-204557, September 21, 1981, 81-2 CPD 235. Gillette does not argue that either of these exceptions is present here. Rather, Gillette argues that the past record of performance of both companies indicates that they cannot meet delivery requirements and, in the case of Cecile Industries, Inc., that it cannot comply with the solicitation's specifications. Under the circumstances, we have no basis for reviewing DLA's responsibility determinations.

Therefore, we dismiss the protest.

*Harry R. Van Cleve*  
Harry R. Van Cleve  
Acting General Counsel